REMARKS

Reconsideration is requested.

Claims 59-64 are pending. Claim 59 has been amended to further recite the preferential expression recited in the preamble. No new matter has been added.

The Section 103 rejection of claims 59-62 and 64 over a combination of Boyce (WO 98/12311), Hoffman (PNAS 92, 10099, 1995), Kelley (Exper Neurology 144, 157-159, 1997) and Brooks (J. Neurosci Meth 80, 137-147, 1998), is traversed. The Section 103 rejection of claims 63 and 64 over Gritson (Nucleic Acids Research Vol. 25, No. 9, 1864 (1997)), Li et al (Biochem. Journal 324:461-466 (1997)), DiFalco (Biochem. Journal 326, 407-413 (1997)), Meyer (Journal of Neurochem. 62, 3, 825-833 (1994)), Fandl (Journal of Biological Chemistry 269, 1, 755-759 (1994)), or Luo (Journal of Biological Chemistry 267, 17, 12275-12283 (1992)) is traversed. Reconsideration and withdrawal of the art rejections are requested in view of the following distinguishing remarks.

The applicants submit that none of the cited documents disclose or suggest the **expression preferentially in the glial cells** of the baculovirus having a baculovirus envelope protein and comprising a sequence encoding the polypeptide operatively associated with a CMV (cytomegalovirus) promoter.

The Examiner has relied on Boyce for an alleged expression of a polypeptide preferentially in the central nervous system "which includes glial cells" and asserts that the only different between Boyce and the presently claimed invention is "the CMV promoter is used, and the baculovirus vector is administered stereotaxically". See page 4 of the Office Action dated May 3, 2005.

The applicants submit, with due respect, that an alleged preferential expression in the nervous system is not the same as or suggestive of preferential expression in glial cells, as provided in the presently claimed invention.

That is, the expression of the presently claimed invention is not an expression in the central nervous system including glial cells but a preferential expression in the glial cells. See example 5 : *a very preferentially glial tropism of this vector in the brain.* See Sarkis et al. (2000, PNAS, 97. 14638-14643, copy submitted with Amendment of October 28, 2004) , page 14641, right column, first paragraph :

> "*Immunohistochemical staining with an anti-GFAP antibody enabled us to identify the transduced cells mainly as astrocytes (Fig. 5C), and immunohistochemical staining with an anti-NeuN antibody showed that only a few neurones could be transduced (Fig. 5F)*"

The baculovirus having a baculovirus envelope protein and comprising a sequence encoding the polypeptide operatively associated with a CMV (cytomegalovirus) promoter causes a very preferential expression in glial cells. The claimed invention was not taught or suggested by the cited combination of references.

As mentioned by the Examiner, CMV promoter is a well known and widely used promoter. This promoter is generally used because of the high levels of expression and **its absence of cell-specificity**. Therefore, the ordinarily skilled person who would have been attempting to preferentially express in the glial cells would not have chosen and/or tried or been motivated to try an ubiquitous promoter such as the CMV promoter. The preferential expression of the vectors as presently claimed, containing a CMV promoter, in the glial cells was therefore unpredictable.

The claims are submitted to be patentable over the collection of reference cited by the Examiner and withdrawal of the Section 103 rejections of the claims are requested, along with a Notice of Allowance. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

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